IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 14TH JUNE, 2007 /24TH JYAISHTA 1929

Tr.P(C).No. 77 of 2007()

OP.132/2007 of FAMILY COURT, KANNUR

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PETITIONER/RESPONDENT.

VIDYA E.I., AGED 21 YEARS,
D/O.PARAMESWARAN NAMBOODIRI,
THEKKE PLAVELI MANA, KUTTANELLUR P.O.,
THRISSUR.

BY ADV. SRI.K.B.MOHANDAS
SRI.LELLULAL T.G.THUNDATHIL
SRI.K.A.SREEJITH

RESPONDENTS: PETITIONER.

RAJESH E.J., AGED 29 YEARS,
S/O.NARAYANAN NAMBOODIRI, EDAMANA ILLAM,
VADASSERY P.O., KANKOM, KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

Tr.P.C.No. 77 OF 2007

Dated this the 14th June, 2007.

JUDGMENT

This case is taken up today after recalling the order dated 28.5.2007. Heard both sides.

2. Wife is the transfer petitioner and husband has filed an application for restitution of conjugal rights before the Family Court, Kannur. The unfortunate couple had fallen out within 1 1/2 hears after the marriage and they are having a child aged eight months. Now the wife would submit that she is unable to travel long distance from Thrissur to Kannur with the small child of eight months and further that she is not having anybody to accompany her and her travel frequently to Kannur may result in financial problem as well. The respondent is a priest in a temple and it is submitted by the learned counsel for the respondent that he is performing poojas in two or three temples and he will also find it difficult to travel from Kannur to Thrissur because it may affect his day to day activities as a priest of the temple. There also there is considerable force. But the court has to consider the comparative hardship and in this case a young lady with an eight month year old child with not much persons to help has to be given accommodation and

therefore, I am inclined to allow this petition and transfer the case pending before the Family Court, Kannur to the Family Court, Thrissur. I also make it clear that considering the avocation of the respondent as a priest of the temple if there is any difficulty for him to appear whenever required some leniency may be shown and he may be asked to appear only on specific dates with notice and the court shall also try to dispose of the matter as expeditiously as possible.

M.N.KRISHNAN
Judge

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